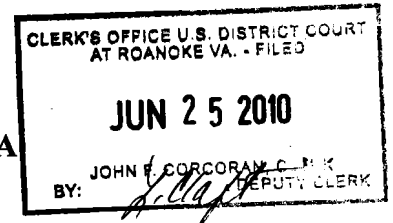


UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



UNITED STATES OF AMERICA ex rel.  
Timothy G. Harrell and Gregory Winslow  
Plaintiffs,

v.

JAMES C. JONES, JR., Trustee in Liquidation  
for LIFELINE AMBULANCE SERVICE, INC.  
Defendants.

**SEALED**

Civil Action No. 7:09CV00260

FILED UNDER SEAL

**NOTICE OF ELECTION BY THE UNITED STATES  
TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the written consent of the United States be obtained before a final ruling is issued.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States and that orders issued by the Court be sent to counsel for the United States. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed, and that all other papers on file in this action remain under seal because in discussing the content and extent of the investigation by the United States, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

TONY WEST  
Assistant Attorney General

TIMOTHY J. HEAPHY  
United States Attorney  
Western District of Virginia

/s/ Rick A. Mountcastle  
RICK MOUNTCASTLE, VSB# 19768  
Assistant United States Attorney

/s/ Joyce R. Branda  
JOYCE R. BRANDA,  
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Attorneys, Civil Division  
U.S. Department of Justice  
P.O. Box 261 Ben Franklin Station  
Washington, D.C. 20044  
(202) 616-4875

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of June, 2010, I caused a copy of the **United States' Notice of Election to Decline Intervention** to be served by United States Mail, postage prepaid, to:

Arthur P. Strickland, Esquire  
23 Franklin Road, S.W.  
Roanoke, Virginia 24001-2866  
**Counsel for Relators**

Pursuant to U.S.C. § 3730(b)(2), the matter is under seal and therefore, Defendant will not be served with this pleading.

/s/ Rick A. Mountcastle  
Assistant United States Attorney